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DECISIONS OF THE GENERAL COURT.

At a Meeting at James City July the 10th, 1666. P'sent: Sir William Berkeley, Kn^t, Governor, &c., Thomas Ludwell, Sec., Maj^r Gen'l Robert Smith, Maj^r Gen'l Richard Bennett, Col. Thomas Stegg, Col. Thomas Swann, Theodorick Bland, Col. Miles Cary.

Whereas we are informed of the arrival of an enemies man of war, who hath already taken two ships and may probably endeavour some furthur predujice to this his majesties colony or the ships now in it, It is therefore ordered that those twenty men who are now employed about the fort be forthwith armed, and Maj^r Powell to command them 'til further order. And that the said Powell do with all speed bury the ordinance at Point Comfort at least four feet deep, and having so done to be with the said twenty men a guard for the said ordinance to defend them from any attempts which may be made upon them by the enemy, and it is further ordered that Col. Geo. do forthwith put the county of Elizabeth City into a speedy posture of defence and to be ready upon all occasions to relieve the said guard if they shall be oppressed with the enemy upon an hour's warning, and Col. Cary is hereby ordered to send them powder and shot which is to be delivered to Col. Geo. who is to manage it to the best advantage for the Countries service and to give an account

of the expénce of it, and it is further ordered for the ease of the said Maj' Powell that Col. Geo. with the like number of men do relieve the said Powell and so successively each other.

Whereas the inhabitants of his Majesties colonies have several times in these four years last past been barbarously murdered by the indians and contrary to several articles of peace concluded on between us and them, and whereas we have frequently demanded satisfaction from them for their several breaches of the said peace but hitherto without such effect as we might in justice expect, It is therefore ordered for revenge of the former and for the prevention of future mischiefs that the towns of Monzation, Nanzimond and Port Tobacco with the whole nation of the Doegs and Potomacks, be forthwith prosecuted with war to their utter destruction if possible, and that their women and children and their goods or as much of it as shall be taken to be disposed of according to such instructions as shall be issued from the Right Honourable the Governor.

And it is further ordered that the said war be managed by such officers with such numbers of men and by such ways and means as the Government shall think fit.

Whereas there is already arrived one enemy ship of war and more reasonably to be expected in a short time, who may invade the persons and plantations of the inhabitants of this, his Majesties colony, to their great prejudice if not their ruine. It is therefore ordered for the prevention of such threatening dangers, that Maj'r Gen'l Richard Bennett do forthwith after the getting to his own house, summon all the militia officers within his province, together with the several and respective justices of the peace within the countries committed to his charge to appear as soon as possible, at such place as he shall think fit, there to provide that all boats and sloops fit for service be pressed to be ready at an hours warning, and so many men well armed to be ready to man the said boats and sloops as shall be by him and them or any six of them, thought fit to attend the motion, and prevent the landing of any such enemy, and it is further ordered that in case any such boat or sloop shall want repairing, or any materials necessary, the said Maj'r Gen'l do press either carpenters or Smiths to work immediately upon the said work, and to

seize cordage or sails or any other necessaries for the said service, to be paid for by the publick.

It is further ordered that the said Maj'r Gen'l Bennett and the persons or any six of them, shall hereby have full power to make such other constitutions to them shall be thought fit for the better affecting the good ends aforesaid, being from time to time obedient to such further orders as they shall receive from the Right Honorable the Governor, or from this board, and it is further ordered that the ammunition delivered to the said Maj'r Gen'l shall remain in his hands, not to be distributed until sufficient occasion requires it, and lastly it is ordered that the militia officers of York river, and the eastern shore, do take notice of this order and what is hereby enjoined within their several provinces, and may God give them all good success in their several places.

Whereas it doth appear to us by experience that tho' we build a fort according to his Majestie's royal commands which we are now upon, and shall perform with all possible speed, yet by reason of the openness and large extent of the several rivers within the colony, it will be impossible to defend the ships trading hither without so many forts as we are not able to build nor garrison. It is therefore upon mature deliberation on the premisses ordered, that the Right Honourable the Governor, be desired most humbly to supplicate his Majesty to command one of his frigates to attend here for the better defence of the ships aforesaid and we shall be always ready to supply her with our best assistance in what ever she shall have occasion for.

Whereas the publick affairs do often require a speedy dispatch of letters and other orders for the better management of the same which is often retarded to the hazard and prejudice of this country and the inhabitants thereof by the neglect of such persons to whose hands such publick dispatches come for their conveyance according to directions, for the future prevention of which inconveniences, It is ordered that all dispatches of a like nature be directed to the next justice of the peace to be conveyed from justice to justice untill it arrive at the place it was directed to; and all justices within this county are hereby strictly required to take special notice hereof and to yield a ready obedience to the same by sending such packets or orders forthwith the said next justice, and they are further required to write on the said packets the

time they received them, and sent them away, and hereof, they nor any of them are not to fail.

For the preservation of this his majesties Colony and subjects, It is ordered that Maj'r Gen'l Robert Smith be hereby impowered to demand and make seizure of all powder and shot where ever it shall be, either in merchants and planters custodyes that are not in imminent danger of an enemy, which ammunition is to be paid for by the publick, he, the said Maj'r Gen'l, being hereby impowered to appoint what other his Majesties officers he please for the effecting hereof, and to distribute the said ammunition as he shall think fit for the good end aforesaid.

The Court at a meeting held at James City, 20th June, 1667.

P'sent: Sir William Berkeley, Knt., Governor, &c., Thomas Ludwell, Sec'r, Maj'r Gen'l Bennett, Maj'r Gen'l Smith, Henry Corbin, Col. Read, Col. Warner, Col. Swann, Col. Stegg.

Whereas, several ships trading in Virginia have lately been taken by the Dutch within the capes, the port charges and duties of the said ships and tobacco being paid to the several collectors, It is ordered that the port charges and duties of all tobacco of the growth of Virginia that was shipped on board any ships riding in Virginia and cleared them, to be repaid and satisfied to the several masters and freighters by the collectors or others that have already received the same.

21st June, 1667.

Sir William Berkely, Knt., Governor, &c., Thomas Ludwell, sec'r, Maj'r Gen'l Smith, Maj'r Gen'l Bennett, Maj'r Gen'l Ward, Col. George Read, John Carter, Col. Stegg, Thomas Swann.

Whereas, Capt. Robert Conway coming into this country in a ship of London, at or without the capes mouth, was encountered with four or five ships of war of Holland, and after two hours hard fight was Taken, and another small ship and her cargo was taken, the said Dutch fleet had, and did meet with and take one ship and cargo called the Pauls Grave, whereof was Master Nicholas Bodum, and whereas, the chief commander of the said

squadron of dutch out of his noble disposition, and considering the gallant defence Conway and company did make by fight before taken, did freely and absolutely give unto the said Robert Conway and some others mentioned on the same gift, the same Paul's Grave and the cargoē then in her before by them taken as aforesaid into parts appears under the said chief commander's hand of the dutch, which said ship was brought into York river by the persons to whom she was given as aforesaid. but by some gentlemen there, the said Bodum and company was repossest of the said ship, upon which the said Conway and company to whom the ship was given as aforesaid, complains to this Honourable Court, where it is ordered that Col. George Read and Capt. Peter Jennings forthwith reposses the said Conway and company of, and with the said ship Paul's Grave and cargoē, and that the said Col. Read and Capt. Jennings take the bond of the said Conway with security Col. Nathaniel [redacted] in one thousand pounds sterling, conditionally, to stand to a tryal in England if sued there, and pay all costs and damages if recovered.

It is further ordered that the said Col. Read, and Capt. Jennings take due course that a due valuation may be put upon the said ship and cargoē, and take inventory thereof.

The Right Honourable, the Governor, is desired to keep and provide twenty thousand pounds of bisket, to be always ready upon the publick acct., and to be satisfied for it accordingly out of the publick.

It is ordered that eight guns be ordered; at and upon, Point Comfort according to such directions as Col. Leonard Yeo shall receive from the Right Honourable, the Governor, for which purpose the said Col. Yeo is hereby impowered after directions given as aforesaid to press men sufficient, and other materials necessary for the doing, and expediting the said work, which men so pressed are to receive satisfaction from the publick according to former order about the said fort. And it is further ordered that Gowing Dunbar be hereby appointed and impowered to be chief gunner of the said guns of fort when and so soon as the same shall be planted and made, and for which office he is yearly to receive satisfaction from the publick by a sufficient maintenance to be allowed him the next Assembly.

It is ordered that Christopher Gould, master of a sloop, who

has been already employed in the publick service to be hereby ordered and impowered to weigh and carry down to Point Comfort from the burnt ship Elizabeth Frigat, all such great guns as can be weighed and got out of the said ship with sufficient help of men and materials which he is hereby empowered to press, and take sufficient for that purpose, and for his and their sodoing to be satisfied out of the publick.

Whereas, the late arrival of the Dutch men of war, the not certainty of their yet being gone from this coast hath hindred the dispatch of the ships and much retarded business, it is therefore ordered that no ships depart this country 'til the 27th this instant, being three days longer than command already received.

28th September, 1667.

Present: Sir William Berkeley, Knt., Governor, &c., Thomas Ludwell, Sec^r, Edward Carter, Maj'r Gen'l Smith, Henry Corbin, Maj. Gen'l Bennett, Thomas Swann, George Read, Nathaniel Bacon, Maj'r Beale, Col. Stegg.

It appearing that Mr. Nicholas Smith, of Pagan Point, did plunder, or agree with some persons to plunder, the ships in the late extremity of the dutch invasion of this country, it being a very bad Act and precedent, and so much the worse he the said Smith, being a Justice of the peace. It is therefore ordered, that the said Smith be hereby amerced and fined fifty pounds sterling to be paid to the use of the publick, towards the building the forts, the said money to be paid forthwith. Als. Ex. and it is further ordered that the said Smith pay Clerks and Sheriffs fees, and that he deliver up all such goods or things as he did receive of the plunder aforesaid, upon demand.